AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America
v.
Edwin Ruben HERNANDEZ Urizar
A090 612 831

Defendant(s)

Case No. 2:17-mj-164

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/21/2017 in the county of Delaware in the Southern District of Ohio, the defendant(s) violated:

Code Section	*Offense Description*
8 USC 1326 (a) & (b)(1)	being an alien, that is, a citizen of Guatemala who was ordered deported and removed from the United States on or about 08/29/2012 following a conviction for Illegal Reentry 8 USC 1326(a), was discovered while in transit in Delaware, Ohio, without, prior to his re-entry and at a place outside the United States, obtaining the consent of the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States,

This criminal complaint is based on these facts:

see attached affidavit

☑ Continued on the attached sheet.

Complainant's signature

Daniel J. McDonald, DO
Printed name and title

Sworn to before me and signed in my presence.

Date: 03/29/2017

Judge's signature

City and state: Columbus, OH

Elizabeth A. Preston-Deavers, US Magistrate Judge
Printed name and title

AFFIDAVIT OF
Daniel J. McDonald
DEPORTATION OFFICER
IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Daniel J. McDonald, being first duly sworn, depose and say:

1. That I am an Deportation Officer with nine years of experience as an Immigration Officer with the United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, Ohio Office of Enforcement and Removals. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Enforcement Agent course at the Federal Law Enforcement Training Center (FLETC) at Glynco, GA.

My investigation has revealed the following facts:

2. On or about February 17, 2010, Edwin Ruben HERNANDEZ Urizar was ordered removed by an Immigration Judge in Cleveland, Ohio. HERNANDEZ Urizar was physically removed on this order on March 4, 2010 via the New Orleans, Louisiana Port of Entry. On that date HERNANDEZ Urizar surrendered his fingerprint and photo for Immigration form I-205 (Warrant of Removal/Deportation) of which he signed. HERNANDEZ Urizar departure was witnessed and signed by an Immigration Officer.

3. HERNANDEZ Urizar was also arrested and ordered removed from the United States to Guatemala on two additional occasions. On April 1, 2011 and August 29, 2012 he was physically removed from the United States to Guatemala. HERNANDEZ Urizar was on August 6, 2012 convicted in the United States District Court, District of New Mexico for the offense of violation of Title 8 U.S.C. 1326(a) a Felony for which he was sentenced to 44 days confinement. HERNANDEZ Urizar has an active order of removal with ICE dated February 17, 2010, issued in Cleveland, Ohio. This will be his fourth (4th) removal from the United States.

4. On March 21, 2017, HERNANDEZ Urizar was encountered by Columbus ICE Fugitive Operations Team members during a targeted traffic stop located at mile marker 129 on interstate 71 in Delaware County, Ohio. Once the vehicle came to a stop the Subject fled from the scene on foot. Once apprehended the Subject was questioned by ICE Agents and freely admitted to being a native and citizen of Guatemala with no documentation that would allow him to be in the United States legally.

5. On or about March 21, 2017 HERNANDEZ Urizar admitted freely and voluntarily to an Immigration Officer that he had re-entered the United States illegally at an unknown place and at on an unknown date. HERNANDEZ Urizar admitted that he did not receive permission from the Attorney General of the United States, or the Secretary of the United States Department of Homeland Security for this re-entry.

Your Affiant uses the above facts to establish probable cause for a violation of 8 USC 1326(a) and (b)(1), an alien who: notwithstanding subsection (a), in the case of any alien described in such subsection whose removal was subsequent to a conviction for commission of a felony, such alien shall be under such title, imprisoned not more than 10 years, or both.

Daniel J. McDonald
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 29 day of March, 2017.

Elizabeth A. Preston-Deavers
U.S. Magistrate Judge
Southern District of Ohio